



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.243**TA-1665-2024****Date of Decision: 21.08.2025****PRITI****....Applicant****Versus****AMIT KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. S.S. Duhan, Advocate
for the applicant
(through video conferencing).

Mr. Piyush Setia, Advocate
for the respondent.

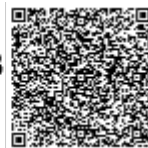
ARCHANA PURI, J. (Oral)

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/281/2024, titled '*Amit Kumar Vs. Priti*', filed by the respondent-husband, pending in the Family Court (Camp Court) Abohar, District Fazilka and she seeks transfer of the same to the Court of competent jurisdiction at Hansi, District Hisar.

Upon notice issued, the respondent made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that there is no child born from the wedlock of the parties to the lis. However, on account of the matrimonial dispute, the parties are residing separate. The applicant is not having any source of earning. Even, she has



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filed the petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as well as the petition under Section 12 of the Protection of Women from Domestic Violence Act, which are pending in the Courts at Hansi and the respondent is pursuing both the said petitions. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 230 kilometres, to defend the divorce petition.

On the other hand, the counsel for the respondent submits that the respondent is following job in Mumbai and it shall be difficult for him also, if the transfer application is accepted.

In view of the submissions aforesaid, it is pertinent to mention that preference is generally given to the convenience of wife, while considering the transfer application relating to the matrimonial dispute. However, it is not a thumb rule. Various other circumstances spelt out from the material brought on record, also ought to be taken into consideration. In the case in hand, the place, where divorce petition is pending and where it is sought to be transferred, is about 230 kilometres. The applicant herself is not having any source of earning. Two other cases, arising from this matrimonial dispute, are already pending in the Courts at Hansi, which are pursued by the respondent. Considering the same, the distance between the two places, as such, does not matter much, so far as respondent is concerned, who has to travel from Mumbai. Weighing the circumstances, it shall be causing more inconvenience for the applicant-wife, if the transfer application is not accepted.

In view of the aforesaid fact situation and in the fitness of circumstances, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/281/2024, titled '*Amit*



Kumar Vs. Priti’, filed by the respondent-husband, stands transferred from the Family Court (Camp Court) Abohar, District Fazilka to the Court of competent jurisdiction at Hansi, District Hisar. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Abohar, to the District and Sessions Judge, Hisar.

Learned District and Sessions Judge, Hisar, shall assign the said petition to the Family Court (Camp Court) Hansi. Even, the parties are directed to appear before the Family Court (Camp Court) Hansi, within a period of one month from today onwards.

However, considering the convenience of the respondent also, the Court concerned shall make an endeavour to adjourn all the cases, preferably for one and the same date.

Also, the respondent always has an option to file an application for making appearance before the Court concerned, as and when required, through virtual mode and upon filing of such application, the Court concerned shall consider the same, in the fitness of circumstances and pass an appropriate order.

21.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No